IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17331 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STERLITE SYNTHETICS PVT.LTD.

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Special Civil Application No. 17331 of 2003

MS SUDHA R GANGWAR for Petitioner No. 1

MR SN SINHA for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 11/10/2004

ORAL JUDGEMENT

1, Rule. Mr.S.N.Sinha learned advocate waives service of rule for respondent Board.

2. The petitioner has challenged the order of the Appellate Committee of the respondent Board, in so far as it is against the petitioner.

3. Heard the learned counsel for the respective parties. In the impugned order of the Appellate Committee, it is stated that the petitioner has not remained present in the hearing. As against that the case of the petitioner is that the petitioner wanted to conducted the said appeal through its Technical Staff and that on the date of the hearing of the appeal, the said staff met with an accident and suffered fracture on his leg. Therefore, there was no other competent person to appear before the Appellate Committee to defend the case of the petitioner.

4. In view of the above position, I am of the opinion that the petitioner is required to be given a chance of hearing. Accordingly, the impugned order of the Appellate Committee is required to be quashed and set aside and the matter is required to be remanded to the Appellate Committee for fresh decision.

5. In the premises aforesaid, in the facts and circumstances of the case, the impugned order passed by the Appellate Committee is quashed and set aside. The matter is remanded to the Appellate Committee for deciding the appeal of the petitioner afresh, after hearing the petitioner.

6. It is clarified that the Appellate Committee shall hear and decide the matter without being influenced by its earlier order which has been quashed in the present petition.

7. However, the petitioner shall pay a sum of Rs.1500/- (Rupees Fifteen Hundred only) to the respondent Board by way of costs, within a period of three weeks from today and the appeal of the petitioner shall be heard only after the payment of the aforesaid amount is made.

8. Rule is made absolute to the aforesaid extent.

[K.S. JHAVERI, J.]

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